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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013 - 459

12 **PHILIP B. MIZUNO**  
13 **1218 Krameria Street**  
14 **Denver, CO 80220**

**A C C U S A T I O N**

15 **Registered Nurse License No. 550309**  
**Nurse Practitioner Certificate No. 10454**  
16 **Nurse Practitioner Furnishing Certificate**  
**No. 10454**

17 Respondent.

18  
19 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive  
22 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about December 4, 1998, the Board issued Registered Nurse License Number  
25 550309 to Philip B. Mizuno ("Respondent"). The license was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on October 31, 2014, unless renewed.

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1           **Nurse Practitioner Certificate**

2           3.     On or about December 8, 1998, the Board issued Nurse Practitioner Certificate  
3     Number 10454 to Respondent. The certificate was in full force and effect at all times relevant to  
4     the charges brought herein and will expire on October 31, 2014, unless renewed.

5           **Nurse Practitioner Furnishing Certificate**

6           4.     On or about February 8, 2000, the Board issued Nurse Practitioner Furnishing  
7     Certificate Number 10454 to Respondent. The furnishing certificate was in full force and effect  
8     at all times relevant to the charges brought herein and will expire on October 31, 2014, unless  
9     renewed.

10                           **JURISDICTION**

11          5.     Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
12     the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
13     license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
14     Practice Act.

15          6.     Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
16     deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
17     to render a decision imposing discipline on the license. Under Code section 2811(b), the Board  
18     may renew an expired license at any time within eight years after the expiration.

19                           **STATUTORY PROVISIONS**

20          7.     Code section 2761 states, in pertinent part:

21                 "The board may take disciplinary action against a certified or licensed nurse or deny an  
22     application for a certificate or license for the following:

23                 (a) Unprofessional conduct...

24                 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
25     against a health care professional license or certificate by another state or territory of the United  
26     States, by any other government agency, or by another California health care professional  
27     licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
28     action."

1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Out-of-State Discipline)**

8 9. Respondent is subject to discipline under Code section 2761(a)(4), in that on or about  
9 March 10, 2011, the Colorado State Board of Nursing, issued a Letter of Admonition, wherein  
10 Respondent's Colorado Registered Nursing License Number 109684 was admonished. The Letter  
11 of Admonition was based on conduct that violated the Nurse Practice Act by negligently or  
12 willfully practicing nursing in a manner which failed to meet generally accepted standards, in that  
13 in June 2009, Respondent prescribed liquid morphine to an acquaintance that was not his patient  
14 nor was there a nurse-patient relationship. The Letter of Admonition is attached hereto as  
15 **Exhibit A** and incorporated herein by reference.

16 **PRAYER**

17 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 550309, issued to Philip  
20 B. Mizuno;

21 2. Revoking or suspending Nurse Practitioner Certificate Number 10454, issued to  
22 Philip B. Mizuno;

23 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 10454,  
24 issued to Philip B. Mizuno;

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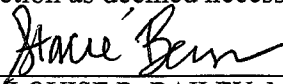
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1           4.     Ordering Philip B. Mizuno to pay the Board of Registered Nursing the reasonable  
2 costs of the investigation and enforcement of this case, pursuant to Code section 125.3, and;

3           5.     Taking such other and further action as deemed necessary and proper.

4 DATED: December 8, 2012

*for*   
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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